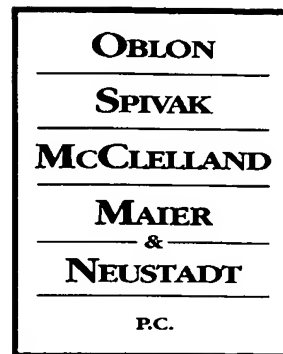




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Docket No.: 217400US3

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 10/025,593

Applicants: Masamitsu KUWABARA, et al.

Filing Date: December 26, 2001

For: DIVISION WALL AND SHROUD OF GAS TURBINE

Group Art Unit: 3745

Examiner: J. MCALEENAN

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. § 1.181(A)(3)**  
**TO INVOKE THE SUPERVISORY AUTHORITY OF THE COMMISSIONER**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier

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Christopher D. Ward

Registration No. 41,367

DOCKET NO: 217400US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAMITSU KUWABARA, ET AL. : EXAMINER: J. MCALEENAN  
SERIAL NO: 10/025,593 :  
FILED: DECEMBER 26, 2001 : GROUP ART UNIT: 3745  
FOR: DIVISION WALL AND SHROUD :  
OF GAS TURBINE

PETITION UNDER 37 C.F.R. § 1.181(A)(3)  
TO INVOKE THE SUPERVISORY AUTHORITY OF THE COMMISSIONER

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicant herein petitions the Commissioner to invoke his supervisory authority to require the Examiner in the present application to properly list reference Souma (JA 0022002) as a Cited Reference.

It is respectfully noted that the above-referenced application was allowed by the Notice of Allowance mailed June 30, 2004. However, Souma, a reference used by the Examiner in a previous claim rejection, has not yet been listed or otherwise indicated by the Examiner as a Cited Reference, for instance, by listing Souma on a PTO-892 form.

Souma was cited by Examiner McAleenan in a facsimile letter to Applicants' representative on January 6, 2004. In the letter, the Examiner suggested claim amendments to overcome prior art references including Souma. The Examiner further cites Souma as motivation for suggesting claim amendments to Applicants at page 2 of the Office Action mailed February 19, 2004. However, the same Office Action notes that Souma is "not made of record."

In a telephone conversation conducted with the Examiner on May 19, 2004, claim amendments corresponding to those included in the Amendment filed May 19, 2004 were discussed. These claim amendments were noted by the Examiner as distinguishing over *all* references cited in previous Office Actions, *including Souma*. Further, Applicants representatives requested during the conversation that Souma be properly reflected as a Cited Reference, for instance, by listing Souma on a PTO-892 form. Subsequently, the Examiner expressed reservation concerns that listing Souma at that point might “re-open prosecution.” However, the Examiner then agreed to look further into the proper procedure for properly citing Souma.

The initial request to list Souma on a PTO-892 was reiterated in the Amendment filed May 19, 2004. However, as the Examiner’s Notice of Allowability did not address Applicants’ noted procedural anomaly, it is respectfully requested that Souma be properly made of record.

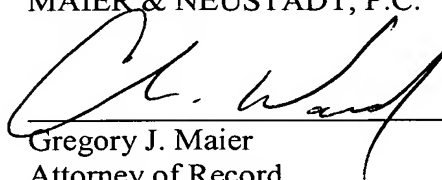
Thus, this Petition is being filed in order to require the Examiner to properly reflect that Souma was considered in the rejection of the originally filed claims and the presently active claims which were indicated as allowed.

→ Application No. 10/025,593  
Petition Under 37 C.F.R. § 1.181(A)(3)

Although Applicants do not believe that any fee is required for the present petition,  
any required fee should be charged to the undersigned attorneys account no. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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(OSMMN 06/04)

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